

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. R. 4200
OFFERED BY MR. WALDEN OF OREGON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as “Forest
3 Emergency Recovery and Research Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

**TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL
LANDS**

Sec. 101. Development of research protocols and use in catastrophic event research projects.

Sec. 102. Catastrophic event recovery evaluations.

Sec. 103. Compliance with National Environmental Policy Act.

Sec. 104. Availability and use of pre-approved management practices.

Sec. 105. Availability and use of emergency procedures.

Sec. 106. Administrative and judicial review.

Sec. 107. Guidance regarding reforestation in response to catastrophic events.

Sec. 108. Effect of title.

**TITLE II—RESTORING LANDSCAPES AND COMMUNITIES
IMPACTED BY CATASTROPHIC EVENTS**

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to restore landscapes and communities affected by catastrophic events.

Subtitle B—Department of the Interior Assistance

Sec. 211. Restoring landscapes.



Sec. 212. Restoring communities.

TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.

Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.

Sec. 303. Limited consideration of alternatives for projects on National Forest experimental forests.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.

Sec. 402. Dedicated source of funds for research and monitoring.

Sec. 403. Other funding sources.

Sec. 404. Effect of declaration of major disaster or emergency.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

3 (1) The number and severity of catastrophic
4 events causing resource damage to Federal land has
5 significantly increased over the last 20 years, and
6 such catastrophic events also create serious adverse
7 environmental, social, and economic consequences
8 for Federal land and adjacent non-Federal land and
9 communities.

10 (2) Catastrophic events often devastate forest
11 or rangeland ecosystems and eliminate sources of
12 seed for desired tree and plant species, which—

13 (A) delays or even precludes the reestab-
14 lishment of appropriate forest or plant cover on
15 millions of acres of Federal land;

16 (B) increases the susceptibility of the dam-
17 aged land to wildfire and noxious or harmful



1 species and reduces the economic value of the
2 damaged land's resources;

3 (C) increases the susceptibility of adjacent
4 undamaged land to insect infestations, disease,
5 and noxious weeds;

6 (D) pollutes municipal water supplies and
7 damages water delivery infrastructure;

8 (E) exacerbates sediment production that
9 adversely impacts native fish habitat and soil
10 productivity;

11 (F) results in unsafe campgrounds, trails,
12 roads, and other infrastructure; and

13 (G) adversely impacts the sustainability of
14 ecosystems and the well-being of adjacent com-
15 munities.

16 (3) Program authorities and funding mecha-
17 nisms currently available to the Secretary of Agri-
18 culture and the Secretary of the Interior to respond
19 to catastrophic events on forested Federal land do
20 not provide for consistent and timely response activi-
21 ties.

22 (4) The Council on Environmental Quality has
23 approved on an infrequent basis the use of alter-
24 native arrangements to respond to catastrophic
25 events on forested Federal land, but, when used in



1 the past, such alternative arrangements have encour-
2 aged expedited and successful recovery outcomes.

3 (5) A prompt and standardized management re-
4 sponse to a catastrophic event, which is also adapt-
5 ive to the unique characteristics of each catastrophic
6 event, is needed—

7 (A) to effectively recover the area damaged
8 by the catastrophic event,

9 (B) to minimize the impact on the re-
10 sources of the area and adjacent communities
11 adversely affected by the catastrophic event;
12 and

13 (C) to recover damaged, but still mer-
14 chantable, material before it losses economic
15 value.

16 (6) Reforestation treatments on forested Fed-
17 eral land after a catastrophic event helps to restore
18 appropriate forest cover, which provides multiple re-
19 newable resource benefits, including—

20 (A) protecting soil and water resources;

21 (B) providing habitat for wildlife and fish;

22 (C) contributing to aesthetics and enhanc-
23 ing the recreational experience for visitors;

24 (D) providing a future source of timber for
25 domestic use; and



1 (E) ensuring the health and resiliency of
2 affected ecosystems for present and future gen-
3 erations.

4 (7) According to the Comptroller General, the
5 reforestation backlog for Federal land has increased
6 since 2000 as a result of natural disturbances, such
7 as wildland fires, insect infestations, and diseases.

8 (8) Additional scientific and monitoring infor-
9 mation is needed regarding the effectiveness of re-
10 covery treatments to improve subsequent recovery
11 proposals in response to future catastrophic events.

12 (9) State, tribal, and local governments, local
13 communities, and other entities play a critical role in
14 restoring landscapes damaged by a catastrophic
15 event and in reducing the risks associated with the
16 catastrophic event.

17 (10) Greater resources and adaptive arrange-
18 ments must be made available to land managers to
19 facilitate the prompt implementation of recovery
20 treatments, including reforestation, following cata-
21 strophic events.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) BURNED AREA EMERGENCY RESPONSE.—

25 The term “burned area emergency response” means



1 the process used by the Secretary concerned to plan
2 and implement emergency stabilization actions on
3 Federal land in response to a catastrophic event in
4 order to minimize threats to life or property or to
5 stabilize and prevent unacceptable degradation to
6 natural and cultural resources resulting from the ef-
7 fects of the catastrophic event.

8 (2) CATASTROPHIC EVENT.—The term “cata-
9 strophic event” means any natural disaster or any
10 fire, flood, or explosion, regardless of cause, that the
11 Secretary determines has caused or will cause dam-
12 age of significant severity and magnitude to Federal
13 land or, in the case of title II, non-Federal land. A
14 natural disaster may include a hurricane, tornado,
15 windstorm, snow or ice storm, rain storm, high
16 water, wind-driven water, tidal wave, earthquake,
17 volcanic eruption, landslide, mudslide, drought, or
18 insect or disease outbreak.

19 (3) CATASTROPHIC EVENT RECOVERY.—The
20 term “catastrophic event recovery”, with respect to
21 an area of Federal land damaged by a catastrophic
22 event, means—

23 (A) if the catastrophic event involved fire,
24 the rehabilitation and restoration activities
25 (other than any emergency stabilization treat-

1 ments undertaken as part of the burned area
2 emergency response) that are undertaken on
3 the damaged Federal land, including any infra-
4 structure or facilities thereon, in response to
5 the catastrophic event;

6 (B) if the catastrophic event did not in-
7 volve fire, the emergency stabilization and reha-
8 bilitation and restoration activities that are un-
9 dertaken on the damaged Federal land, includ-
10 ing infrastructure or facilities thereon, in re-
11 sponse to the catastrophic event; or

12 (C) the reforestation or revegetation, con-
13 sistent with the applicable land and resource
14 management plan, of the damaged Federal land
15 in response to the catastrophic event using, to
16 the extent practicable and preferable, native or
17 beneficial plants to avoid creation of plantation
18 forests and the recovery of trees on the dam-
19 aged Federal land, through the use of timber
20 harvesting and other appropriate methods of
21 forest regeneration.

22 (4) CATASTROPHIC EVENT RECOVERY EVALUA-
23 TION.—The term “catastrophic event recovery eval-
24 uation”, with respect to an area of Federal land
25 damaged by a catastrophic event, means an evalua-



1 tion of the damaged Federal land that is conducted
2 in accordance with section 102.

3 (5) CATASTROPHIC EVENT RECOVERY PRO-
4 POSAL.—The term “catastrophic event recovery pro-
5 posal” means the list and brief description of cata-
6 strophic event recovery projects, catastrophic event
7 research projects, and pre-approved management
8 practices that are—

9 (A) identified as part of the catastrophic
10 event recovery evaluation of an area of Federal
11 land damaged by a catastrophic event; and

12 (B) proposed to be undertaken to facilitate
13 the catastrophic event recovery of the area or
14 evaluate the effects and effectiveness of such re-
15 covery efforts.

16 (6) CATASTROPHIC EVENT RECOVERY
17 PROJECT.—The term “catastrophic event recovery
18 project” means an individual activity or a series of
19 activities identified in a catastrophic event recovery
20 proposal for an area of Federal land damaged by a
21 catastrophic event and proposed to be undertaken in
22 response to the catastrophic event to promote cata-
23 strophic event recovery.

24 (7) CATASTROPHIC EVENT RESEARCH
25 PROJECT.—The term “catastrophic event research



1 project” means a scientifically designed study of the
2 effects and effectiveness of—

3 (A) any catastrophic event recovery
4 projects undertaken in an area of land damaged
5 by a catastrophic event; and

6 (B) any emergency stabilization treatments
7 undertaken as part of a burned area emergency
8 response in the area of land damaged by a cata-
9 strophic event.

10 (8) COMMUNITY WILDFIRE PROTECTION
11 PLAN.—The term “community wildfire protection
12 plan” has the meaning given that term in section
13 101(3) of the Healthy Forest Restoration Act of
14 2003 (16 U.S.C. 6511(3)).

15 (9) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty”, for purposes of providing assistance under sub-
17 title B of title II, means a State Forester or equiva-
18 lent State official, an Indian tribe, local government,
19 community-based organization, or other person.

20 (10) FEDERAL LAND.—The term “Federal
21 land” means land in the National Forest System
22 and public lands. The term does not include any
23 land contained in a component of the National Wil-
24 derness Preservation System or designated as a na-
25 tional monument.



1 (11) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 450b).

5 (12) LAND AND RESOURCE MANAGEMENT
6 PLAN.—The term “land and resource management
7 plan” means—

8 (A) a land and resource management plan
9 developed for a unit of the National Forest Sys-
10 tem under section 6 of the Forest and Range-
11 land Renewable Resources Planning Act of
12 1974 (16 U.S.C. 1604); or

13 (B) a land use plan developed for an area
14 of the public lands under section 202 of the
15 Federal Land Policy and Management Act of
16 1976 (43 U.S.C. 1712).

17 (13) LAND-GRANT COLLEGES AND UNIVER-
18 SITIES.—The term “land-grant colleges and univer-
19 sities” has the meaning given that term in section
20 1404(11) of the National Agricultural Research, Ex-
21 tension, and Teaching Policy Act of 1977 (7 U.S.C.
22 3103(11)).

23 (14) LANDSCAPE ASSESSMENT.—The term
24 “landscape assessment” means an assessment de-
25 scribing catastrophic event conditions and recovery



1 needs and opportunities on non-Federal land af-
2 fected by a catastrophic event and including a list of
3 proposed special recovery projects to address those
4 needs and opportunities.

5 (15) NATIONAL FOREST SYSTEM.—The term
6 “National Forest System” has the meaning given
7 that term in section 11(a) of the Forest and Range-
8 land Renewable Resources Planning Act of 1974 (16
9 U.S.C. 1609(a)).

10 (16) PRE-APPROVED MANAGEMENT PRAC-
11 TICE.—The term “pre-approved management prac-
12 tice” means a management practice identified by the
13 Secretary concerned under section 104(a) that may
14 be immediately implemented as part of a cata-
15 strophic event recovery project or catastrophic event
16 research project to facilitate the catastrophic event
17 recovery of an area of Federal land damaged by a
18 catastrophic event.

19 (17) PUBLIC LANDS.—The term “public lands”
20 has the meaning given that term in section 103(e)
21 of the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1702(e)).

23 (18) SECRETARY CONCERNED.—The term
24 “Secretary concerned” means—



1 (A) the Secretary of Agriculture, with re-
2 spect to National Forest System land; and

3 (B) the Secretary of the Interior, with re-
4 spect to public lands.

5 (19) SPECIAL RECOVERY PROJECT.—The term
6 “special recovery project” means an individual activ-
7 ity or a series of activities proposed to be under-
8 taken to rehabilitate, repair, and restore non-Federal
9 land damaged by a catastrophic event, community
10 infrastructure and facilities on the land, and eco-
11 nomic, social, and cultural conditions affected by the
12 catastrophic event.

13 **TITLE I—RESPONSE TO CATA-**
14 **STROPHIC EVENTS ON FED-**
15 **ERAL LANDS**

16 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND**
17 **USE IN CATASTROPHIC EVENT RESEARCH**
18 **PROJECTS.**

19 (a) DEVELOPMENT OF PROTOCOLS; PURPOSE.—For
20 the purpose of conducting and evaluating the effectiveness
21 and effects of a catastrophic event recovery project and
22 of emergency stabilization treatments undertaken as part
23 of a burned area emergency response, the Secretary con-
24 cerned shall develop research protocols consisting of—



1 (1) a research approach that is specifically de-
2 signed to improve knowledge, understanding, and
3 predictive capabilities—

4 (A) to increase the long-term benefits of
5 management activities, including natural and
6 artificial regeneration of vegetation; and

7 (B) to decrease the short-term impacts of
8 such management activities;

9 (2) an appropriate and scientifically sound ex-
10 perimental design or set of sampling procedures; and

11 (3) accompanying methods of data analysis and
12 interpretation.

13 (b) PEER REVIEW.—The research protocols devel-
14 oped under subsection (a), and any subsequent modifica-
15 tion thereof, shall be subject to peer review, including
16 independent, third-party peer review, by scientific and
17 land management experts.

18 (c) TIME FOR COMPLETION; MODIFICATION.—The
19 research protocols required by this section shall be sub-
20 mitted to Congress not later than 180 days after the date
21 of the enactment of this Act. The Secretary concerned
22 may modify the research protocols, as the Secretary deter-
23 mines necessary, after their submission to Congress. The
24 Secretary concerned shall notify Congress regarding any
25 such modification.



1 (d) CATASTROPHIC EVENT RESEARCH PROJECTS.—

2 In accordance with the research protocols developed under
3 this section, the Secretary concerned may conduct one or
4 more catastrophic event research projects in an area of
5 land damaged by a catastrophic event. The Secretary may
6 develop a proposed catastrophic event research project as
7 part of a catastrophic event recovery proposal or develop
8 a catastrophic event research project independently of the
9 catastrophic event recovery proposal during the cata-
10 strophic event recovery in response to changing conditions
11 in the area damaged by the catastrophic event.

12 (e) PUBLIC ACCESS.—

13 (1) PROTOCOLS.—The Secretary concerned
14 shall make the research protocols developed under
15 subsection (a), including any modification thereof,
16 publicly available, in a form determined to be appro-
17 priate by the Secretary.

18 (2) RESEARCH RESULTS.—After completion of
19 the peer review required by subsection (b), the Sec-
20 retary concerned shall make the results of cata-
21 strophic event research projects publicly available, in
22 a form determined to be appropriate by the Sec-
23 retary.

24 (f) FOREST HEALTH PARTNERSHIPS.—In developing
25 and using the research protocols required by this section,



1 the Secretary concerned shall enter into cooperative agree-
2 ments with land-grant colleges and universities and other
3 institutions of higher education to form forest health part-
4 nerships, including regional institutes, to utilize their edu-
5 cation, research, and outreach capacity to address the cat-
6 astrophic event recovery of forested land. A forest health
7 partnership may be aligned with the current network of
8 Cooperative Ecosystem Studies Units.

9 **SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.**

10 (a) COMMENCEMENT.—

11 (1) EVALUATION REQUIRED.—In response to a
12 catastrophic event affecting 1,000 or more acres of
13 Federal land, the Secretary concerned shall conduct
14 a catastrophic event recovery evaluation of the dam-
15 aged Federal land.

16 (2) EVALUATION AUTHORIZED.—If a cata-
17 strophic event affects more than 250 acres of Fed-
18 eral land, but less than 1,000 acres, the Secretary
19 concerned is authorized, but not required, to conduct
20 a catastrophic event recovery evaluation of the dam-
21 aged Federal land.

22 (3) TIME FOR COMMENCEMENT.—To facilitate
23 prompt decision-making with regard to the cata-
24 strophic event recovery of Federal land damaged by
25 a catastrophic event when a catastrophic event re-



1 recovery evaluation is required under paragraph (1),
2 the Secretary concerned shall commence the cata-
3 strophic event recovery evaluation for the damaged
4 Federal land—

5 (A) as soon as practicable during or after
6 the conclusion of the catastrophic event; but

7 (B) in no event later than 30 days after
8 the conclusion of the catastrophic event.

9 (b) COMPLETION.—

10 (1) TIME FOR COMPLETION.—To facilitate
11 prompt implementation of catastrophic event recov-
12 ery projects on Federal land damaged by a cata-
13 strophic event when a catastrophic event recovery
14 evaluation is required under subsection (a)(1), the
15 Secretary concerned shall complete the catastrophic
16 event recovery evaluation for the damaged Federal
17 land not later than 30 days after the date on which
18 Secretary commenced the catastrophic event recov-
19 ery evaluation.

20 (2) EXTENSION.—The Secretary concerned may
21 extend the completion date for a catastrophic event
22 recovery evaluation, on a case-by-case basis, when
23 the Secretary concerned determines that additional
24 time is necessary to evaluate a complex catastrophic



1 event, an on-going catastrophic event, or a series of
2 catastrophic events.

3 (c) ELEMENTS OF CATASTROPHIC EVENT EVALUA-
4 TION.—In conducting the catastrophic event recovery eval-
5 uation for an area of Federal land damaged by a cata-
6 strophic event, the Secretary concerned shall prepare the
7 following:

8 (1) A description of catastrophic event condi-
9 tions on the damaged Federal land, recovery needs
10 and opportunities, and the areas where management
11 intervention would be helpful to achieve the cata-
12 strophic event recovery of the damaged Federal land.

13 (2) A preliminary determination of any cata-
14 strophic event research projects that best fit the cir-
15 cumstances of the particular catastrophic event envi-
16 ronment or would enhance scientific understanding
17 relevant to the damaged area.

18 (3) A catastrophic event recovery proposal con-
19 taining possible catastrophic event recovery projects
20 and catastrophic event research projects for the
21 damaged area and describing the anticipated size
22 and scope of these projects.

23 (4) One or more maps detailing the area of
24 damaged Federal land and the location of cata-
25 strophic event recovery proposals.



1 (5) A preliminary estimate of the funding that
2 would be needed to complete the catastrophic event
3 recovery projects and catastrophic event research
4 projects contained in the catastrophic event recovery
5 proposal.

6 (6) A preliminary estimate of the receipts to be
7 derived from the catastrophic event recovery projects
8 and catastrophic event research projects contained in
9 the catastrophic event recovery proposal.

10 (7) A preliminary schedule showing the timing
11 of possible catastrophic event recovery projects and
12 catastrophic event research projects by fiscal year,
13 assuming funding is available to undertake the
14 projects.

15 (d) USE OF PRE-APPROVED MANAGEMENT PRAC-
16 TICES OR EMERGENCY PROCEDURES.—

17 (1) DETERMINATION.—In addition to com-
18 plying with the requirements specified in subsection
19 (c) for each catastrophic event recovery evaluation,
20 the Secretary concerned shall make a determination
21 of—

22 (A) whether or not any pre-approved man-
23 agement practices should be immediately imple-
24 mented under section 104 to facilitate the cata-



1 strophic event recovery of the area covered by
2 the catastrophic event recovery evaluation; and
3 (B) whether or not any catastrophic event
4 recovery project or catastrophic event research
5 project, or portion of such a project, contained
6 in the catastrophic event recovery proposal
7 should be developed and carried out using the
8 emergency procedures authorized by section
9 105.

10 (2) FACTORS.—In making any determination
11 under paragraph (1)(B) to develop and carry out a
12 catastrophic event recovery project or catastrophic
13 event research project, or portion of such a project,
14 using emergency procedures under section 105, the
15 Secretary concerned shall consider at a minimum
16 the following:

17 (A) The necessity of promptly responding
18 to the catastrophic event on the damaged Fed-
19 eral land.

20 (B) The recovery needs and opportunities
21 identified under subsection (c)(1) with respect
22 to the damaged Federal land.

23 (C) The lack of pre-approved management
24 practices applicable to the damaged Federal
25 land.



1 (D) The threat to public health and safety.

2 (E) The likelihood of substantial loss of
3 adjacent private and public property or other
4 substantial economic losses.

5 (3) NOTIFICATION AND CONSULTATION.—The
6 Secretary concerned shall make the determinations
7 under paragraph (1) after notification of and in con-
8 sultation with the Council on Environmental Qual-
9 ity, but the determination remains in the sole discre-
10 tion of the Secretary.

11 (e) INTERDISCIPLINARY APPROACH.—To conduct the
12 catastrophic event recovery evaluation of an area of Fed-
13 eral land damaged by a catastrophic event, the Secretary
14 concerned shall use a systematic, interdisciplinary ap-
15 proach that insures the integrated use of appropriate nat-
16 ural and social sciences.

17 (f) COORDINATION WITH OTHER ACTIVITIES.—

18 (1) RELATED ASSESSMENT OF NON-FEDERAL
19 LAND.—The Secretary concerned may combine the
20 preparation of a catastrophic event recovery evalua-
21 tion of Federal land with the preparation of a land-
22 scape assessment for non-Federal land in the vicinity
23 of the damaged Federal land prepared under subtitle
24 B of title II or subsection (c) of section 10A of the



1 Cooperative Forestry Assistance Act of 1978 (16
2 U.S.C. 2106c), as added by section 201.

3 (2) RELATED COMMUNITY WILDFIRE PROTEC-
4 TION PLANS.—During preparation of a catastrophic
5 event recovery evaluation for an area of Federal land
6 damaged by a catastrophic event involving wildfire,
7 the Secretary concerned shall consider post-fire man-
8 agement recommendations, if any, contained in any
9 community wildfire protection plan addressing the
10 damaged Federal land.

11 (g) PUBLIC COLLABORATION.—To encourage mean-
12 ingful participation during the preparation of catastrophic
13 event recovery projects, the Secretary concerned shall fa-
14 cilitate collaboration among State and local governments,
15 Indian tribes, land-grant colleges and universities, and in-
16 terested persons during the preparation of catastrophic
17 event recovery evaluations and catastrophic event recovery
18 proposals.

19 (h) PUBLIC NOTICE.—

20 (1) NOTICE OF EVALUATION.—The Secretary
21 concerned shall provide public notice of each cata-
22 strophic event recovery evaluation, including the cat-
23 astrophic event recovery proposal prepared as part
24 of the evaluation. The notice shall be provided in a
25 form determined to be appropriate by the Secretary



1 concerned, such as publication in the Federal Reg-
2 ister.

3 (2) NOTICE OF PUBLIC MEETINGS.—The Sec-
4 retary concerned shall provide notice of public meet-
5 ings conducted in connection with a catastrophic
6 event recovery evaluation and the availability of pre-
7 liminary analyses or documents prepared as part of
8 the evaluation. The notice shall be provided at such
9 times and in such a manner as the Secretary con-
10 cerned considers appropriate.

11 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**
12 **POLICY ACT.**

13 (a) COMPLIANCE REQUIRED.—Except as provided in
14 subsection (b), the Secretary concerned shall comply with
15 the National Environmental Policy Act of 1969 (42 U.S.C.
16 4331 et seq.), its implementing regulations, and other ap-
17 plicable laws in designing and conducting catastrophic
18 event recovery projects and catastrophic event research
19 projects.

20 (b) SATISFACTION OF NEPA REQUIREMENTS.—The
21 following activities are deemed to satisfy the requirements
22 of section 102 of the National Environmental Policy Act
23 of 1969 (42 U.S.C. 4332 et seq.) and its implementing
24 regulations:



1 (1) The preparation of the list of pre-approved
2 management practices required by subsection (a) of
3 section 104.

4 (2) The use of pre-approved management prac-
5 tices on the list in the manner provided in section
6 104.

7 (3) The use of emergency procedures in the
8 manner provided in section 105.

9 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
10 **AGEMENT PRACTICES.**

11 (a) LIST OF AVAILABLE PRE-APPROVED MANAGE-
12 MENT PRACTICES.—The Secretary concerned shall pre-
13 pare a list of management practices, by forest type or
14 plant association group, that may be immediately imple-
15 mented as part of a catastrophic event recovery project
16 or catastrophic event research project to facilitate the cat-
17 astrophic event recovery of an area of Federal land dam-
18 aged by a catastrophic event. The list of pre-approved
19 management practices shall be prepared using notice and
20 comment rule making under section 553 of title 5, United
21 States Code.

22 (b) PEER REVIEW.—Before a management practice
23 may be included on the list of pre-approved management
24 practices, the management practice shall be subject to
25 peer review, including independent, third-party peer re-



1 view, by scientific and land management experts. The re-
2 sults of the peer review shall be available to the public
3 during the comment period.

4 (c) REVISION OR AMENDMENT OF LIST.—The Sec-
5 retary concerned may amend or revise the list of pre-ap-
6 proved management practices as necessary whenever new
7 scientific and managerial information becomes available.
8 Subsections (a) and (b) shall apply to the amendment or
9 revision process.

10 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

11 (1) ROAD CONSTRUCTION.—A pre-approved
12 management practice may not authorize any perma-
13 nent road building. Any temporary road constructed
14 as part of a pre-approved management practice shall
15 be obliterated upon conclusion of the practice and
16 the road area restored to the extent practicable.

17 (2) TIMBER HARVESTING.—Timber harvesting
18 carried out as part of a pre-approved management
19 practice shall be limited to trees—

20 (A) that are already down, dead, broken,
21 or severely root sprung;

22 (B) regarding which mortality is highly
23 probable within five years after the end of the
24 catastrophic event; or

1 (C) that are required to be removed for
2 worker or public safety.

3 (e) REQUIRED CONSULTATION.—

4 (1) ESA CONSULTATION.—In the case of the
5 proposed use of a pre-approved management practice
6 included on the list prepared under subsection (a),
7 the Secretary concerned may use the emergency pro-
8 cedures described in section 402.05 of title 50, Code
9 of Federal Regulations, to comply with section 7 of
10 the Endangered Species Act of 1973 (16 U.S.C.
11 1536). At the conclusion of the consultation, the
12 statement required by subsection (b)(4) of such sec-
13 tion shall be issued for any incidental taking that
14 may occur while using the pre-approved management
15 practice, which shall be effective beginning on the
16 date the Secretary concerned initiates the practice
17 and shall apply to all persons assisting or cooper-
18 ating with the Secretary in using the practice.

19 (2) OTHER REQUIRED CONSULTATION.—Any
20 consultation required under other laws, such as the
21 National Historic Preservation Act (16 U.S.C. 470
22 et seq.) or the Federal Water Pollution Control Act
23 (33 U.S.C. 1251 et seq.), may proceed simulta-
24 neously with the implementation of a pre-approved
25 management practice. Results of consultation shall



1 be immediately incorporated into the practice, to the
2 extent feasible, practical, and consistent with the re-
3 sponse, recovery, and rehabilitation objectives of the
4 project.

5 (f) ISSUANCE OF DECISION DOCUMENT.—Not later
6 than 30 days after the date on which the Secretary con-
7 cerned makes the determination under section 102(d) to
8 use a pre-approved management practice to facilitate the
9 catastrophic event recovery of an area of Federal land
10 damaged by a catastrophic event, the Secretary concerned
11 shall issue a concise decision document that contains the
12 following:

13 (1) A description of the pre-approved manage-
14 ment practice to be implemented.

15 (2) The rationale for the agency decision.

16 (3) An economic analysis and justification.

17 (4) An analysis of the environmental effects of
18 the pre-approved management practice and how
19 such effects will be minimized or mitigated con-
20 sistent with the applicable land and resource man-
21 agement plan. As part of this analysis, the Secretary
22 concerned shall consider, to the extent the Secretary
23 concerned determines appropriate, forest type or
24 plant association group, standing- and down-dead



1 wood, watershed, water quality, wildlife habitat, and
2 soils applicable to the damaged Federal land.

3 (g) IMMEDIATE IMPLEMENTATION.—The Secretary
4 concerned shall implement a pre-approved management
5 practice immediately after the issuance of the decision
6 document under subsection (f), subject only to the avail-
7 ability of funds for the practice.

8 (h) MONITORING.—To monitor the implementation of
9 a pre-approved management practice, the Secretary con-
10 cerned may establish a third-party monitoring group, as
11 determined to be appropriate by the Secretary.

12 **SEC. 105. AVAILABILITY AND USE OF EMERGENCY PROCE-**
13 **DURES.**

14 (a) LIMITED CONSIDERATION OF ALTERNATIVES.—
15 If the Secretary concerned determines under section
16 102(d) to utilize emergency procedures to conduct a cata-
17 strophic event recovery project or catastrophic event re-
18 search project, or portion of such a project, the Secretary
19 concerned is not required to study, develop, or describe
20 more than the proposed agency action and the alternative
21 of no action in designing that project or the portion of
22 the project for which the emergency procedures are uti-
23 lized.

24 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—



1 (1) ROAD CONSTRUCTION.—Emergency proce-
2 dures under this section may not be used to design
3 or conduct a catastrophic event recovery project or
4 catastrophic event research project, or portion of
5 such a project, that provides for any permanent road
6 building. Any temporary road constructed as part of
7 the project shall be obliterated upon completion of
8 the project and the road area restored to the extent
9 practicable.

10 (2) TIMBER HARVESTING.—Timber harvesting
11 carried out as part of a catastrophic event recovery
12 project or catastrophic event research project, or
13 portion of such a project, for which emergency pro-
14 cedures under this section were used shall be limited
15 to trees—

16 (A) that are already down, dead, broken,
17 or severely root sprung;

18 (B) regarding which mortality is highly
19 probable within five years after the end of the
20 catastrophic event; or

21 (C) that are required to be removed for
22 worker or public safety.

23 (c) REQUIRED CONSULTATION.—

24 (1) ESA CONSULTATION.—In the case of a cat-
25 astrophic event recovery project or catastrophic



1 event research project, or portion of such a project,
2 for which emergency procedures under this section
3 are used, the Secretary concerned may use the pro-
4 cedures described in section 402.05 of title 50, Code
5 of Federal Regulations, to comply with section 7 of
6 the Endangered Species Act of 1973 (16 U.S.C.
7 1536). At the conclusion of the consultation, the
8 statement required by subsection (b)(4) of such sec-
9 tion shall be issued for any incidental taking that
10 may occur under the project, which shall be effective
11 beginning on the date the Secretary concerned initi-
12 ates action under the project and shall apply to all
13 persons assisting or cooperating with the Secretary
14 under the project.

15 (2) OTHER REQUIRED CONSULTATION.—Any
16 consultation required under other laws, such as the
17 National Historic Preservation Act (16 U.S.C. 470
18 et seq.) or the Federal Water Pollution Control Act
19 (33 U.S.C. 1251 et seq.), may proceed simulta-
20 neously with the design of a catastrophic event re-
21 covery project or catastrophic event research project,
22 or portion of such a project, for which emergency
23 procedures under this section are used. Results of
24 consultation shall be immediately incorporated into
25 the project, to the extent feasible, practical, and con-



1 sistent with the response, recovery, and rehabilita-
2 tion objectives of the project.

3 (d) COMPLETION OF EMERGENCY PROCEDURES AND
4 ISSUANCE OF DECISION DOCUMENT.—Not later than 90
5 days after the date on which the Secretary concerned
6 makes the determination under section 102(d) to develop
7 and carry out a catastrophic event recovery project or cat-
8 astrophic event research project, or portion of such a
9 project, using emergency procedures, the Secretary con-
10 cerned shall—

11 (1) complete the emergency procedures for that
12 catastrophic event recovery project or catastrophic
13 event research project, or portion thereof, under this
14 section; and

15 (2) issue a concise decision document that con-
16 tains the following:

17 (A) The rationale for the agency decision.

18 (B) An economic analysis and justification.

19 (C) An analysis of the environmental ef-
20 fects of the project and how such effects will be
21 minimized or mitigated consistent with the ap-
22 plicable land and resource management plan.

23 As part of this analysis, the Secretary con-
24 cerned shall consider, to the extent the Sec-
25 retary concerned determines appropriate, forest



1 type or plant association group, standing- and
2 down-dead wood, watershed, water quality,
3 wildlife habitat, and soils applicable to the dam-
4 aged Federal land.

5 (e) IMMEDIATE IMPLEMENTATION.—In the case of a
6 catastrophic event recovery project or catastrophic event
7 research project, or portion of such a project, for which
8 the emergency procedures authorized by this section are
9 used, the Secretary concerned shall implement the project,
10 or portion of the project, immediately after the issuance
11 of the decision document under subsection (d), subject
12 only to the availability of funds for the project.

13 (f) MONITORING.—To monitor a catastrophic event
14 recovery project or catastrophic event research project, or
15 portion of such a project, for which the emergency proce-
16 dures authorized by this section were used, the Secretary
17 concerned may establish a third-party monitoring group,
18 as determined to be appropriate by the Secretary.

19 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

20 (a) ADMINISTRATIVE REVIEW GENERALLY.—Except
21 as provided in subsection (b), nothing in this title
22 affects—

23 (1) the notice, comment, and appeal require-
24 ments of section 322 of the Department of the Inte-



1 prior and Related Agencies Appropriations Act, 1993
2 (Public 102-381; 16 U.S.C. 1612 note); and
3 (2) section 215 of title 36, Code of Federal
4 Regulations.

5 (b) PREDECISIONAL ADMINISTRATIVE NOTICE, COM-
6 MENT, AND REVIEW.—

7 (1) INTERIM FINAL REGULATIONS.—Not later
8 than 60 days after the date of the enactment of this
9 Act, the Secretary of Agriculture shall promulgate
10 interim final regulations to establish a predecisional
11 administrative review process that will serve as the
12 sole means by which—

13 (A) the Secretary of Agriculture will pro-
14 vide notice of and solicit comments regarding—

15 (i) the proposed use of a pre-approved
16 management practice under section 104 on
17 National Forest System land; and

18 (ii) a catastrophic event recovery
19 project or catastrophic event research
20 project, or portion of such a project, for
21 which the emergency procedures under sec-
22 tion 105 are used on National Forest Sys-
23 tem land; and

24 (B) a person can seek administrative re-
25 view regarding—

1 (i) the proposed use of a pre-approved
2 management practice under section 104 on
3 National Forest System land; and

4 (ii) a catastrophic event recovery
5 project or catastrophic event research
6 project, or portion of such a project, for
7 which the emergency procedures under sec-
8 tion 105 are used on National Forest Sys-
9 tem land.

10 (2) PERIOD COVERED BY REVIEW PROCESS.—

11 The review portion of the predecisional administra-
12 tive review process described in paragraph (1)(B)
13 shall occur during the period—

14 (A) beginning on the date on which the
15 Secretary of Agriculture makes a determination
16 to use pre-approved management practices or
17 emergency procedures under section 102(d);
18 and

19 (B) ending not later than the date of the
20 issuance of applicable decision document under
21 section 104 or 105.

22 (3) EFFECTIVE DATE.—The interim final regu-
23 lations promulgated under paragraph (1) shall take
24 effect on the date of promulgation of the regulations.



1 (4) FINAL REGULATIONS.—The Secretary of
2 Agriculture shall promulgate final regulations to es-
3 tablish the predecisional administrative review proc-
4 ess described in paragraph (1) as soon as practicable
5 after the interim final regulations have been promul-
6 gated and a reasonable period of time has been pro-
7 vided for public comment.

8 (c) JUDICIAL REVIEW.—Section 106 of the Healthy
9 Forests Restoration Act of 2003 (16 U.S.C. 6516) shall
10 apply with respect to the implementation of a pre-ap-
11 proved management practice under section 104 or a cata-
12 strophic event recovery project or catastrophic event re-
13 search project regarding which the applicable administra-
14 tive review process has been exhausted. In any proceeding
15 for judicial review of agency action under this subsection,
16 attorney fees awarded to a prevailing party may not ex-
17 ceed the hourly rates established in section 3006A of title
18 18, United States Code.

19 **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**
20 **SPONSE TO CATASTROPHIC EVENTS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary concerned shall—

23 (1) standardize the collection, reporting, and re-
24 view procedures for data regarding more aggressive,
25 expedited, and comprehensive reforestation in re-

1 sponse to catastrophic events by clarifying agency-
2 wide guidance and developing standard protocols for
3 determining when and how reforestation can be best
4 achieved as part of the response to catastrophic
5 events;

6 (2) clarify agency-wide guidance regarding re-
7 forestation in response to catastrophic events to en-
8 sure that such guidance is consistent with agency
9 goals and budget constraints; and

10 (3) clarify agency-wide guidance regarding the
11 development, during the revision of a land and re-
12 source management plan, of goals and objectives for
13 catastrophic event recovery to ensure that such guid-
14 ance addresses catastrophic event recovery objec-
15 tives, by forest type or plant association group, re-
16 lated to standing- and down-dead wood, soil and wa-
17 tershed protection, wildlife habitat, and other re-
18 source values.

19 **SEC. 108. EFFECT OF TITLE.**

20 (a) USE OF OTHER AUTHORITIES.—Nothing in this
21 title affects the use by the Secretary concerned of other
22 statutory or administrative authority, including categor-
23 ical exclusions adopted to implement the National Envi-
24 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
25 to conduct a catastrophic event recovery project or cata-



1 strophic event research project, or portion of such a
2 project, that is not conducted using the emergency proce-
3 dures authorized by section 105.

4 (b) PREFERENCE FOR LOCAL OPERATORS.—In the
5 manner provided in section 420 of the Department of the
6 Interior, Environment, and Related Agencies Appropria-
7 tions Act, 2006 (Public Law 109–54; 119 Stat. 553), the
8 Secretary concerned may give consideration to local con-
9 tractors in awarding a Federal contract to implement—

10 (1) a pre-approved management practice under
11 section 104; or

12 (2) a catastrophic event recovery project or cat-
13 astrophic event research project, or portions of such
14 a project, for which the emergency procedures under
15 section 105 are used.

16 (c) ADVISORY COMMITTEES.—The Federal Advisory
17 Committee Act (5 U.S.C. App.) and title XVIII of the
18 Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.)
19 shall not apply to—

20 (1) the peer review provided by scientific and
21 land management experts under section 101(b) or
22 104(b);

23 (2) the monitoring process under section 104(h)
24 or 105(f); and



1 (3) the preparation of a catastrophic event re-
2 covery evaluation or catastrophic event recovery pro-
3 posal.

4 **TITLE II—RESTORING LAND-**
5 **SCAPES AND COMMUNITIES**
6 **IMPACTED BY CATASTROPHIC**
7 **EVENTS**

8 **Subtitle A—Cooperative Forestry**
9 **Assistance Act of 1978**

10 **SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY**
11 **ASSISTANCE ACT OF 1978 TO RESTORE LAND-**
12 **SCAPES AND COMMUNITIES AFFECTED BY**
13 **CATASTROPHIC EVENTS.**

14 (a) ASSISTANCE AUTHORIZED.—Section 10A of the
15 Cooperative Forestry Assistance Act of 1978 (16 U.S.C.
16 2106c) is amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively; and

19 (2) by inserting after subsection (b) the fol-
20 lowing new subsection:

21 “(c) RESPONSE TO CATASTROPHIC EVENTS AFFECT-
22 ING NON-FEDERAL LANDS.—

23 “(1) LANDSCAPE ASSESSMENTS.—At the re-
24 quest of an eligible entity, the Secretary may cooper-
25 ate with the eligible entity in the preparation of a



1 landscape assessment for non-Federal lands affected
2 by a catastrophic event. The Secretary may combine
3 the preparation of a landscape assessment with the
4 preparation of a catastrophic event recovery evalua-
5 tion under title I of the Forest Emergency Recovery
6 and Research Act regarding Federal land in the vi-
7 cinity of the damaged non-Federal land.

8 “(2) COMMUNITY ASSESSMENTS.—At the re-
9 quest of an eligible entity affected by a catastrophic
10 event, the Secretary may cooperate with the eligible
11 entity in the preparation of a community wildfire
12 protection plan or related plan.

13 “(3) DECISION TO PROVIDE ASSESSMENT AS-
14 SISTANCE.—In response to the request of an eligible
15 entity for assistance under paragraph (1) or (2), the
16 Secretary shall make a decision, within 30 days after
17 receiving the request, whether or not to provide such
18 assistance. The decision rests in the sole discretion
19 of the Secretary, but, if the Secretary rejects the re-
20 quest for assistance, the Secretary shall provide the
21 eligible entity with an explanation of the reasons for
22 the rejection.

23 “(4) TYPES OF ASSISTANCE.—The Secretary
24 concerned may provide technical and financial cost-
25 share assistance to an eligible entity—



1 “(A) to assist in the preparation of a land-
2 scape assessment under paragraph (1) or a
3 community wildfire protection plan, community
4 assessment, or community action plan under
5 paragraph (2); and

6 “(B) to implement special recovery projects
7 identified in the landscape assessment or com-
8 munity wildfire protection plan, community as-
9 sessment, or community action plan.

10 “(5) SPECIAL RECOVERY PROJECTS.—Special
11 recovery projects supported under paragraph (4)(B)
12 may include projects involving—

13 “(A) revegetation, tree planting, and other
14 management practices the Secretary determines
15 to be appropriate;

16 “(B) developing products from and mar-
17 kets for timber harvested in response to a cata-
18 strophic event and remaining forest resources;

19 “(C) training for the local populace for
20 work in connection with catastrophic event re-
21 covery;

22 “(D) repair of forest roads, bridges, and
23 trails and water supply areas affected by a cat-
24 astrophic event; and



1 “(E) such other activities as the Secretary
2 determines to be necessary to undertake the
3 special recovery project.

4 “(6) ADDITIONAL FUNDING SOURCES.—
5 Amounts appropriated to the Secretary to carry out
6 sections 8 and 10 may be used to provide assistance
7 under this subsection.

8 “(7) DEFINITIONS.—In this subsection:

9 “(A) The term ‘eligible entity’ means a
10 State Forester or equivalent State official, an
11 Indian tribe, or local government. The term
12 may include community-based organizations
13 and other persons working in conjunction with
14 a State Forester or equivalent State official, an
15 Indian tribe, or local government.

16 “(B) The terms ‘catastrophic event’, ‘land-
17 scape assessment’, and ‘special recovery project’
18 have the meanings given those terms in section
19 3 of the Forest Emergency Recovery and Re-
20 search Act.

21 “(C) The term ‘community wildfire protec-
22 tion plan’ has the meaning given that term in
23 section 101(3) of the Healthy Forest Restora-
24 tion Act of 2003 (16 U.S.C. 6511(3)).”.



1 (b) CLERICAL AMENDMENT.—The heading of such
2 section is amended by inserting before the period at the
3 end the following: “**AND RESPONSE TO CATASTROPHIC**
4 **EVENTS**”.

5 **Subtitle B—Department of the**
6 **Interior Assistance**

7 **SEC. 211. RESTORING LANDSCAPES.**

8 (a) LANDSCAPE ASSESSMENTS.—At the request of an
9 eligible entity, the Secretary of the Interior may cooperate
10 with the eligible entity in the preparation of a landscape
11 assessment for non-Federal lands affected by a cata-
12 strophic event. The Secretary may combine the prepara-
13 tion of a landscape assessment with the preparation of a
14 catastrophic event recovery evaluation under title I regard-
15 ing Federal land in the vicinity of the damaged non-Fed-
16 eral land.

17 (b) DECISION TO PROVIDE ASSESSMENT ASSIST-
18 ANCE.—In response to the request of an eligible entity for
19 assistance under subsection (a), the Secretary of the Inte-
20 rior shall make a decision, within 30 days after receiving
21 the request, whether or not to provide such assistance.
22 The decision rests in the sole discretion of the Secretary,
23 but, if the Secretary rejects the request for assistance, the
24 Secretary shall provide the eligible entity with an expla-
25 nation of the reasons for the rejection.



1 (c) TYPES OF ASSISTANCE.—The Secretary of the In-
2 terior may provide technical and financial cost-share as-
3 sistance to an eligible entity—

4 (1) to assist in the preparation of a landscape
5 assessment; and

6 (2) to implement special recovery projects iden-
7 tified in the landscape assessment.

8 (d) SPECIAL RECOVERY PROJECTS.—The Secretary
9 of the Interior may provide assistance under subsection
10 (c)(2) for special recovery projects, including revegetation,
11 tree planting, and other practices the Secretary deter-
12 mines to be appropriate.

13 **SEC. 212. RESTORING COMMUNITIES.**

14 (a) COMMUNITY ASSESSMENTS.—At the request of
15 an eligible entity affected by a catastrophic event, the Sec-
16 retary of the Interior may cooperate with the eligible enti-
17 ty in the preparation of a community wildfire protection
18 plan or related plan.

19 (b) DECISION TO PROVIDE ASSESSMENT ASSIST-
20 ANCE.—In response to the request of an eligible entity for
21 assistance under subsection (a), the Secretary of the Inte-
22 rior shall make a decision, within 30 days after receiving
23 the request, whether or not to provide such assistance.
24 The decision rests in the sole discretion of the Secretary,
25 but, if the Secretary rejects the request for assistance, the



1 Secretary shall provide the eligible entity with an expla-
2 nation of the reasons for the rejection.

3 (c) TYPES OF ASSISTANCE.—The Secretary of the In-
4 terior may provide technical and financial cost-share as-
5 sistance to an eligible entity—

6 (1) to assist in the preparation of development
7 of a community wildfire protection plan, a commu-
8 nity assessment, or a community action plan; and

9 (2) to implement special recovery projects iden-
10 tified in a community wildfire protection plan, a
11 community assessment, or a community action plan.

12 (d) SPECIAL RECOVERY PROJECTS.—Special recov-
13 ery projects supported under subsection (c)(2) may in-
14 clude projects involving—

15 (1) developing products from and markets for
16 timber harvested in response to a catastrophic event
17 and remaining forest resources;

18 (2) training for the local populace for work in
19 connection with catastrophic event recovery;

20 (3) repair of forest roads, bridges, and trails
21 and water supply areas affected by a catastrophic
22 event; and

23 (4) such other activities as the Secretary deter-
24 mines to be necessary to undertake the special recov-
25 ery project.

1 **TITLE III—EXPERIMENTAL**
2 **FORESTS**

3 **SEC. 301. FINDINGS.**

4 Congress finds the following:

5 (1) The experimental forests established pursu-
6 ant to section 4 of the Forest and Rangeland Re-
7 newable Resources Research Act of 1978 (16 U.S.C.
8 1643) or the organic administrative authorities of
9 the Secretary of Agriculture (16 U.S.C. 551) serve
10 as a natural laboratory for the Forest Service to
11 evaluate management practices generally and spe-
12 cific responses to catastrophic events that can be
13 eventually used throughout the National Forest Sys-
14 tem.

15 (2) To build upon the knowledge base to be de-
16 veloped using catastrophic events research projects
17 conducted under title I, the Secretary of Agriculture
18 should be authorized to use the same authorities
19 provided under sections 104 and 105 to design and
20 carry out projects in the experimental forests.

21 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
22 **AGEMENT PRACTICES ON NATIONAL FOREST**
23 **EXPERIMENTAL FORESTS.**

24 Management practices included on the list of pre-ap-
25 proved management practices prepared under subsection



1 (a) of section 104 may be implemented, in the manner
2 provided by such section, in an experimental forest estab-
3 lished pursuant to section 4 of the Forest and Rangeland
4 Renewable Resources Research Act of 1978 (16 U.S.C.
5 1643) or the organic administrative authorities of the Sec-
6 retary of Agriculture (16 U.S.C. 551).

7 **SEC. 303. LIMITED CONSIDERATION OF ALTERNATIVES FOR**
8 **PROJECTS ON NATIONAL FOREST EXPERI-**
9 **MENTAL FORESTS.**

10 Section 105(a) shall apply with respect to any indi-
11 vidual activity or a series of activities proposed to be un-
12 dertaken in an experimental forest established pursuant
13 to section 4 of the Forest and Rangeland Renewable Re-
14 sources Research Act of 1978 (16 U.S.C. 1643) or the
15 organic administrative authorities of the Secretary of Ag-
16 riculture (16 U.S.C. 551).

17 **TITLE IV—GENERAL**
18 **PROVISIONS**

19 **SEC. 401. REGULATIONS.**

20 Except as provided in section 106(b), the Secretary
21 concerned is not required to promulgate regulations to im-
22 plement this Act.



1 **SEC. 402. DEDICATED SOURCE OF FUNDS FOR RESEARCH**
2 **AND MONITORING.**

3 (a) SPECIAL ACCOUNT.—The Secretary of the Treas-
4 ury shall establish a special account in the Treasury for
5 each Secretary concerned.

6 (b) DEPOSITS.—Ten percent of the gross proceeds
7 derived by the Secretary concerned from catastrophic
8 event recovery projects and catastrophic event research
9 projects conducted by the Secretary concerned under title
10 I shall—

11 (1) be deposited in the special account estab-
12 lished for that Secretary; and

13 (2) remain available, without further appropria-
14 tion and until expended, for expenditure as provided
15 in subsection (c).

16 (c) RESEARCH-RELATED USE OF SPECIAL AC-
17 COUNTS.—The Secretary concerned shall use amounts in
18 the special account established for that Secretary—

19 (1) to develop research protocols under section
20 101;

21 (2) to prepare and implement catastrophic
22 event research projects; and

23 (3) to provide for monitoring under sections
24 104 and 105.

25 (d) RELATION TO OTHER FUNDS.—Amounts in the
26 special account established for the Secretary concerned are



1 in addition to other amounts available to that Secretary
2 for the purposes described in subsection (c).

3 **SEC. 403. OTHER FUNDING SOURCES.**

4 (a) AVAILABILITY OF KNUTSON-VANDENBERG
5 FUNDS.—Section 3 of the Act of June 9, 1930 (commonly
6 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),
7 is amended—

8 (1) by striking “Such deposits shall be covered”
9 and inserting the following:

10 “(b) Amounts deposited under subsection (a) shall be
11 covered”;

12 (2) by inserting after “national park.” the fol-
13 lowing new sentence: “The Secretary of Agriculture
14 may also use excess amounts to cover the costs of
15 activities of the Secretary under title I of the Forest
16 Emergency Recovery and Research Act.”; and

17 (3) in subsection (c)—

18 (A) in paragraph (1), by striking “and”;

19 (B) by redesignating paragraph (2) as
20 paragraph (3); and

21 (C) by inserting after paragraph (1) the
22 following new paragraph:

23 “(2) the excess amounts will not be needed for
24 activities of the Secretary under title I of the Forest
25 Emergency Recovery and Research Act during the



1 fiscal year in which the transfer would be made;
2 and”.

3 (b) AVAILABILITY OF FOREST SERVICE SALVAGE
4 SALE FUNDS.—Section 14(h) of the National Forest
5 Management Act of 1976 (16 U.S.C. 472a(h)) is
6 amended—

7 (1) in the fourth sentence, by inserting after
8 “the purposes for which deposited” the following:
9 “and to cover the costs of activities of the Secretary
10 under title I of the Forest Emergency Recovery and
11 Research Act”; and

12 (2) in last proviso, by striking “for which de-
13 posited on any national forest” and inserting “for
14 which deposits of money are available under this
15 subsection”.

16 (c) AVAILABILITY OF BLM REVOLVING FUND DE-
17 RIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first
18 paragraph under the headings “FOREST ECOSYSTEMS
19 HEALTH AND RECOVERY” and “REVOLVING FUND, SPE-
20 CIAL ACCOUNT” in title I of the Department of the Interior
21 and Related Agencies Appropriations Act, 1993 (Public
22 Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is
23 amended by adding at the end the following new sentence:
24 “The money in this fund shall likewise be immediately
25 available to cover the costs of activities of the Bureau of

1 Land Management under title I of the Forest Emergency
2 Recovery and Research Act.”.

3 **SEC. 404. EFFECT OF DECLARATION OF MAJOR DISASTER**
4 **OR EMERGENCY.**

5 If an area of non-Federal land damaged by a cata-
6 strophic event is also covered by a declaration by the
7 President under section 401 or 501 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act (42
9 U.S.C. 5170, 5191) that a major disaster or emergency
10 exists, the Director of Federal Emergency Management
11 Agency may use funds available for activities under that
12 Act to reimburse the Secretary concerned for assistance
13 in that area provided under—

- 14 (1) subtitle B of title II; or
15 (2) subsection (c) of section 10A of the Cooper-
16 ative Forestry Assistance Act of 1978 (16 U.S.C.
17 2106c), as added by section 201.



